UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ECHO DESIGN GROUP, INC., a New York Corporation, Plaintiff, v. ELITE HOME PRODUCTS, INC., a New Jersey Corporation; KOHL'S CORP., a Wisconsin Corporation; WAYFAIR, INC., a Massachusetts Corporation; QVC, INC., a Pennsylvania Corporation; THE BON-TON STORES, INC., a Pennsylvania Corporation; BOSCOVS DEPARTMENT STORE, LLC, a Delaware Corporation; WAL-MART STORES, INC., a Delaware Corporation; BONANZA.COM, INC, a Washington Corporation; TARGET CORP., a Minnesota Corporation; and DOES 1 through 10, Defendants.	Case No.: 17-CV-2505 PLAINTIFF'S COMPLAINT FOR COPYRIGHT INFRINGEMENT JURY TRIAL DEMANDED

Plaintiff, The Echo Design Group, Inc. ("Plaintiff"), by and through its undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff THE ECHO DESIGN GROUP, INC. is a corporation organized and existing under the laws of the State of New York with its principal place of business located at 10 East 40th Street, 16th Floor, New York, NY 10016.

5. Plaintiff is informed and believes and thereon alleges that Defendant ELITE HOME PRODUCTS, INC ("ELITE") is a corporation organized and existing under the laws of the State

of New Jersey, with its principal place of business located at 95 Mayhill Street #3, Saddle Brook, NJ 07663, and is doing business in the State of New York.

6. Plaintiff is informed and believes and thereon alleges that Defendant KOHL'S CORP. ("KOHLS") is a Wisconsin corporation with its principal place of business located at N56 W17000 Ridgewood Drive, Menomonee Falls, WI 53051, and is registered to do business and is doing business in and with the State of New York.

7. Plaintiff is informed and believes and thereon alleges that Defendant WAYFAIR, INC. ("WAYFAIR") is Massachusetts corporation with its principal place of business located at 4 Copley Place, Floor 7, Boston, MA 02116, and is doing business in and with the state of New York.

8. Plaintiff is informed and believes and thereon alleges that Defendant QVC, INC. ("QVC") is Pennsylvania corporation with its principal place of business located at 1365 Enterprise Drive, Mail Code 330, West Chester, PA 19380, and is doing business in and with the State of New York.

9. Plaintiff is informed and believes and thereon alleges that Defendant THE BON-TON STORES, INC. ("BON-TON") is a Pennsylvania corporation, with its principal place of business located at 2801 E. Market Street, York, PA 17402, and is doing business in and with the State of New York.

10. Plaintiff is informed and believes and thereon alleges that Defendant BOSCOVS DEPARTMENT STORE, LLC ("BOSCOVS") is a Delaware corporation with its principal place of business located at 4500 Perkiomen Avenue, Reading, PA 19606, and is doing business in and with the State of New York.

11. Plaintiff is informed and believes and thereon alleges that Defendant WAL-MART STORES, INC. ("WAL-MART") is a Delaware corporation with its principal place of business located at 702 S.W. 8th Street, Bentonville, AR 72716, and is doing business in and with the State of New York.

12. Plaintiff is informed and believes and thereon alleges that Defendant BONANZA.COM, INC. ("BONANZA") is a Washington corporation with its principal place of business located at 3131 Western Avenue, Suite 428, Seattle, WA 98121, and is doing business in and with the State of New York.

13. Plaintiff is informed and believes and thereon alleges that Defendant TARGET CORPORATION ("TARGET") is a Minnesota corporation with its principal place of business located at 1000 Nicollet Mall, Minneapolis, MI 55403, and is doing business in and with the State of New York.

14. Plaintiff is informed and believes and thereon alleges that Defendants DOES 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

15. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or adopted each of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO DESIGN NO. 123242

16. Plaintiff owns an original two-dimensional artwork entitled 123242 ("Subject Design"), which has been registered with the United States Copyright Office.

17. Prior to the acts complained of herein, Plaintiff widely disseminated fabric and other products bearing the Subject Design to numerous parties in the fabric and home goods industries.

18. Plaintiff is informed and believes and thereon alleges that following its distribution of the Subject Design, ELITE, KOHLS, WAYFAIR, QVC, BON-TON, BOSCOVS, WAL-MART, BONANZA, TARGET, DOE Defendants, and each of them distributed and/or sold fabric and/or products featuring a design which is substantially similar to Subject Design ("Subject Product") without Plaintiff's authorization, including but not limited to products sold

a. KOHLS under Web ID 1755893 and Item Description "Elite Home Products Milano 3-pc Duvet Cover Set – Full/Queen," manufactured by or for ELITE.
b. WAYFAIR under SKU: FKV1090 and Item Description "Milano 300 Thread Count Sheet Set," manufactured by or for ELITE.
c. QVC under Product ID H285054 and Item Description "100% Cotton Milano Print King Duvet Cover and Shams Set," manufactured by or for ELITE.
d. BONTON under Product ID 954685 and Item Description "Elite Home Products Milano 300-Thread Count Print Sheet Sets," manufactured by or for ELITE.
e. BOSCOVS under Item Number 387877 and Item Description "Milano Medallion Print Duvet Set – Gold," manufactured by or for ELITE.
f. QVC under Product ID H285046 and Item Description "100% Cotton Milano Print Full/Queen Duvet Cover and Shams Set," manufactured by or for ELITE.
g. WAL-MART under Item Description "Elite Home Products (Bedding) Milano Duvet Set, manufactured by or for ELITE.
h. BONANZA under Item number 395979412 and Item Description "Elite Home Products Milano Paisley Collection Count Sateen 3-piece," manufactured by or for ELITE.

i. TARGET under Item Description "Elite Home Milano Paisley 300TC Sheet Set – Blue (California King)," manufactured by or for ELITE.

19. An image of the Subject Design and an exemplar of the design appearing on the Subject Products are set forth herein below:

Subject Design

Design on Subject Products

FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

20. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in Paragraphs 1-19 of this Complaint.

21. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to products in the marketplace bearing lawfully printed reproductions of the Subject Design.

22. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures home goods and/or is a vendor of home goods. Plaintiff is further

informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied products to said retailers that infringed the Subject Design in that said products bore a design that was identical or substantially similar to the Subject Design, or was an illegal modification thereof.

23. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling Subject Products through a nationwide network of retail stores, catalogues, and through on-line websites.

24. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

25. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants', and each of their, profits attributable to the infringement of the Subject Design in an amount to be established at trial.

26. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff's copyrights in the Subject Design;

b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;

c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;

d. That Plaintiff be awarded pre-judgment interest as allowed by law;

e. That Plaintiff be awarded the costs of this action; and

f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: April 6, 2017

Respectfully submitted:

By: /S/ Michael D. Steger
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